

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Dale Mesta
Amy Mesta
Debtor(s)

Bankruptcy Case No.: 17-25101-CMB
3/18/2021
Chapter: 13
Docket No.: 139 – 126, 133
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 2/16/2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PNC (acct. 0810) to be paid \$200/mos – from month one in place of declaration, Toyota Motor Credit Cl @ 0% int. .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceed \$4,000 including any fees paid to prior counsel. Bethel Park SD Cl. #21 No further payments; prior payments proper and are ratified remaining no-look atty. fee is \$3,225.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

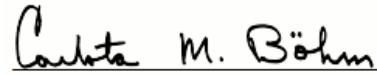
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: March 19, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Dale Mesta
Amy Mesta
Debtors

Case No. 17-25101-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Mar 19, 2021

User: dsaw
Form ID: 149

Page 1 of 4
Total Noticed: 46

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 21, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Dale Mesta, Amy Mesta, 33 Ladera Drive, Bethel Park, PA 15102-1119
cr	+ Bethel Park School District, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219 UNITED STATES 15219-6101
cr	+ Municipality of Bethel Park, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219 UNITED STATES 15219-6101
cr	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
14749239	+ American Express, Po Box 1270, Newark, NJ 07101-1270
14776214	American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
14782683	+ American Water, c/o Pennsylvania American Water, PO Box 371880, Pittsburgh, PA 15250-7880
14749240	++ BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 address filed with court:, Bank of America, Po Box 15019, Wilmington, DE 19886
14791503	+ Bethel Park School District, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh, PA 15219-6101
14776213	Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
14791502	+ Municipality of Bethel Park, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh, PA 15219-6101
14749250	+ NTB Credit Plan, Po Box 9001006, Louisville, KY 40290-1006
14749251	PA American Water, P.O. Box 371412, Pittsburgh, PA 15250-7412
14749253	+ PNC Bank, Po Box 747032, Pittsburgh, PA 15274-7032
14749254	+ PNC Everyday Rewards, P.O. box 856177, Louisville, KY 40285-6177
14749255	+ PNC Flex Visa, PNC Bank, Po Box 856177, Louisville, KY 40285-6177
14749256	+ PNC Home Equity, PNC Bank, Po Box 747032, Pittsburgh, PA 15274-7032
14749252	Peoples Gas, PO Box 644760, Pittsburgh, PA 15264-4760
14749261	++ TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026 address filed with court:, Toyota, Toyota Financial Services, Po Box 5855, Carol Stream, IL 60197
14749260	+ Thomas Davis, 160 Highview Dr., Pittsburgh, PA 15241-1637
14767295	+ Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013

TOTAL: 21

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: bnc-quantum@quantum3group.com	Mar 20 2021 03:52:00	Department Store National Bank, PO Box 657, Kirkland, WA 98083-0657
cr	Email/Text: Bankruptcy.Notices@pnc.com	Mar 20 2021 03:52:00	PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101
14749241	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 20 2021 04:07:53	Best Buy Credit Services, Po Box 9001007, Louisville, KY 40290-1007
14749242	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Mar 20 2021 04:04:54	Capital One, Po Box 71083, Charlotte, NC 28272-1083
14779172	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Mar 20 2021 04:04:54	Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
14749244	+ Email/PDF: Citi.BNC.Correspondence@citi.com		

District/off: 0315-2

User: dsaw

Page 2 of 4

Date Rcvd: Mar 19, 2021

Form ID: 149

Total Noticed: 46

		Mar 20 2021 04:05:29	Citi Bank, Po Box 9001037, Louisville, KY 40290-1037
14780816	Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 20 2021 04:07:57	Department Stores National Bank, Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57117
14749249	Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 20 2021 04:22:27	Macy's, Po Box 78008, Phoenix, AZ 85062
14982338	Email/Text: bnc-quantum@quantum3group.com	Mar 20 2021 03:52:00	Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657
14749245	+ Email/PDF: gecsed@recoverycorp.com	Mar 20 2021 02:59:46	Dick's, Synchrony Bank/ROS, Po Box 960012, Orlando, FL 32896-0012
14749246	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 20 2021 04:15:59	Home Depot, Po Box 9001010, Louisville, KY 40290-1010
14749243	Email/PDF: ais.chase.ebn@americaninfosource.com	Mar 20 2021 02:45:32	Chase Cardmember Serivce, Po Box 1423, Charlotte, NC 28201
14749247	+ Email/Text: PBNCNotifications@peritussservices.com	Mar 20 2021 03:52:00	Kohl's, Po Box 2983, Milwaukee, WI 53201-2983
14782917	Email/PDF: resurgentbknofications@resurgent.com	Mar 20 2021 04:05:27	LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14749248	Email/PDF: gecsed@recoverycorp.com	Mar 20 2021 02:59:47	Lowes/Synchrony Bank, PO Box 530914, Atlanta, GA 30353-0914
14768115	Email/Text: Bankruptcy.Notices@pnc.com	Mar 20 2021 03:52:00	PNC, PO Box 94982, Cleveland, OH 44101
14749719	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Mar 20 2021 04:20:35	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14779208	Email/Text: bnc-quantum@quantum3group.com	Mar 20 2021 03:52:00	Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
14749257	+ Email/PDF: gecsed@recoverycorp.com	Mar 20 2021 03:12:59	Sam's Club/Synchrony Bank, Po Box 530942, Atlanta, GA 30353-0942
14749258	Email/PDF: gecsed@recoverycorp.com	Mar 20 2021 02:45:27	Synchrony Bank/Amazon, PO Box 960013, Orlando, FL 32896-0013
14749259	+ Email/PDF: gecsed@recoverycorp.com	Mar 20 2021 02:59:48	Synchrony Bank/Levin, Po Box 960061, Orlando, FL 32896-0061
14784644	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Mar 20 2021 04:06:00	Verizon, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
14749262	Email/Text: wfmelectronicbankruptcynotifications@verizonwireless.com	Mar 20 2021 03:51:00	Verizon, 500 Technology Drive, Suite 550, Water Spring, MO 66304
14749263	+ Email/Text: bankruptcy@firstenergycorp.com	Mar 20 2021 03:52:00	West Penn Power, 5001 NASA Blvd., Fairmont, WV 26554-8248
14768126	+ Email/Text: bankruptcy@firstenergycorp.com	Mar 20 2021 03:52:00	West Penn Power, 800 Cabin Hill Drive, Greensburg, PA 15601-1689

TOTAL: 25

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Toyota Motor Credit Corporation
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14768101	*+	American Express, Po Box 1270, Newark, NJ 07101-1270
14768102	*P++	BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238, address filed with court:, Bank of America, Po Box 15019, Wilmington, DE 19886

District/off: 0315-2

User: dsaw

Page 3 of 4

Date Rcvd: Mar 19, 2021

Form ID: 149

Total Noticed: 46

14768103	*+	Best Buy Credit Services, Po Box 9001007, Louisville, KY 40290-1007
14768104	*+	Capital One, Po Box 71083, Charlotte, NC 28272-1083
14768106	*+	Citi Bank, Po Box 9001037, Louisville, KY 40290-1037
14768111	*P++	DSNB MACY S, CITIBANK, 1000 TECHNOLOGY DRIVE MS 777, O FALLON MO 63368-2222, address filed with court:, Macy's, Po Box 78008, Phoenix, AZ 85062
14768107	*+	Dick's, Synchrony Bank/ROS, Po Box 960012, Orlando, FL 32896-0012
14768108	*+	Home Depot, Po Box 9001010, Louisville, KY 40290-1010
14768105	*P++	JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01, MONROE LA 71203-4774, address filed with court:, Chase Cardmember Service, Po Box 1423, Charlotte, NC 28201
14768109	*+	Kohl's, Po Box 2983, Milwaukee, WI 53201-2983
14768110	*	Lowes/Synchrony Bank, PO Box 530914, Atlanta, GA 30353-0914
14768112	*+	NTB Credit Plan, Po Box 9001006, Louisville, KY 40290-1006
14768113	*	PA American Water, P.O. Box 371412, Pittsburgh, PA 15250-7412
14768116	*+	PNC Bank, Po Box 747032, Pittsburgh, PA 15274-7032
14768117	*+	PNC Everyday Rewards, P.O. box 856177, Louisville, KY 40285-6177
14768118	*+	PNC Flex Visa, PNC Bank, Po Box 856177, Louisville, KY 40285-6177
14768119	*+	PNC Home Equity, PNC Bank, Po Box 747032, Pittsburgh, PA 15274-7032
14768114	*	Peoples Gas, PO Box 644760, Pittsburgh, PA 15264-4760
14768120	*+	Sam's Club/Synchrony Bank, Po Box 530942, Atlanta, GA 30353-0942
14768121	*	Synchrony Bank/Amazon, PO Box 960013, Orlando, FL 32896-0013
14768122	*+	Synchrony Bank/Levin, Po Box 960061, Orlando, FL 32896-0061
14768124	*P++	TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026, address filed with court:, Toyota, Toyota Financial Services, Po Box 5855, Carol Stream, IL 60197
14768123	*+	Thomas Davis, 160 Highview Dr., Pittsburgh, PA 15241-1637
14768125	*	Verizon, 500 Technology Drive, Suite 550, Water Spring, MO 66304

TOTAL: 1 Undeliverable, 25 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 21, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 19, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PNC BANK N.A. bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor Toyota Motor Credit Corporation bnicholas@kmlawgroup.com
Jeffrey R. Hunt	on behalf of Creditor Bethel Park School District jhunt@grblaw.com cnoroski@grblaw.com
Jeffrey R. Hunt	on behalf of Creditor Municipality of Bethel Park jhunt@grblaw.com cnoroski@grblaw.com
Julie Frazee Steidl	on behalf of Debtor Dale Mesta julie.steidl@steidl-steinberg.com leslie.nebel@steidl-steinberg.com;abby.steidl@me.com;cgoga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-steinberg.com
Julie Frazee Steidl	

District/off: 0315-2

User: dsaw

Page 4 of 4

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Form ID: 149

Total Noticed: 46

on behalf of Joint Debtor Amy Mesta julie.steidl@steidl-steinberg.com
leslie.nebel@steidl-steinberg.com;abby.steidl@me.com;cgoga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-steinberg.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

TOTAL: 9